



TOGETHER WITH TOSHA

TENNESSEE DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

WINTER 2002-2003

NEW VIDEO AVAILABLE FROM TOSHA

Available now from TOSHA is a new video on *Hazard Communication Training*. This video will assist employers in training their employees to meet requirements in the Hazard Communication Standard. Using the answers to TOSHA's seven basic questions as a format, trainers will be guided to provide employees the information needed to work safely with the hazardous chemicals they are exposed to.

A video presentation on TOSHA's Special Emphasis Programs is also available. It outlines what TOSHA expects of employers involved in work where the four covered hazards may occur. Those hazards are: occupational noise, carbon monoxide, fall protection, and trenching and excavation.

Each video is available for purchase for a small fee. TOSHA will accept payment in the form of a check or purchase order. You may fax your purchase order to 615-253-1623, attention Chris Trotter; or mail your check to TOSHA at 710 James Robertson Parkway, 3rd Floor, Nashville, TN 37243-0659, attention Chris Trotter. For more information, call 615-741-2793.

Order:

Special Emphasis Programs	\$10.00 (+ shipping)
Hazard Communication Training	\$20.00 (+ shipping)

Coming in the spring: Bloodborne Pathogen video. Look for our announcement of this video designed to assist with the training of employees exposed to blood and body fluids.

REGULATORY UPDATE

TOSHA has revised the construction industry safety standards to update references to traffic control measures. The revision requires that traffic control signs, signals, barricades, or devices protecting workers conform to Part VI of either:

- The 1988 Edition of the Federal Highway Administration (FHWA) Manual of Uniform Traffic Control Devices (MUTCD), with 1993 revisions (Revision 3) or
- The Millennium Edition of the FHWA MUTCD.

This change affects Subpart G of 29 CFR 1926. 200-202. The change will be effective in Tennessee in March 2003. Also, re-

quirements for exiting buildings quickly during an emergency have been rewritten in a more logical format. The revised standards are in Subpart E of 29 CFR 1910, Exit Routes, Emergency Action Plans, and Fire Prevention Plans. The text has been reorganized and inconsistencies and duplicative requirements have been removed; there are fewer subparagraphs and a smaller number of cross-references to other standards. Employers now have the option of adopting the National Fire Protection Association's Life Safety Code (NFPA 101-2000), instead of the new standards. The standards are located at 29 CFR 1910.33-39. Other standards in Subparts H, L, R, and Z have been revised to be consistent. The revised standards offer more compliance options for employers, but do not change the regulatory obligations of the employer or the protection provided to employees. The standards will become effective in Tennessee in March 2003.

On December 4, 2002, OSHA announced that it plans to go forward with *proposed* rulemaking on occupational exposure to hexavalent chromium. The chemical is most commonly used as a structural and anticorrosive element in the production of stainless steel, iron and steel, and in electroplating, welding, and painting. Exposures to the metal have been associated with lung cancer, other respiratory problems, and dermatoses. The current general industry standard sets a permissible exposure limit for hexavalent chromium compounds at 100 micrograms per cubic meter as a ceiling concentration; the standard for construction is 100 micrograms per cubic meter as an 8-hour time-weighted average.

TOSHA TIPS

Condition: An electrical disconnecting means was not adequately marked to indicate its purpose.

Potential Effects: Burns and smoke-related injuries from fire; electric shock, burns, and electrocution from contact with live parts

Citation: 20 CFR 1910.303(f)

Recommended Action: Markings, which are legible, easily understood, and capable of withstanding the environment should be placed on each electrical disconnecting means.

See inside for news about the 26th Tennessee
Safety and Health Conference!

Together With TOSHA

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Comments and suggestions are welcome. Inquiries regarding *Together With TOSHA* should be directed to the TOSHA Division Training Section: 615/741-5726



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ADDITIONAL TRAINING CENTERS DESIGNATED BY OSHA

OSHA has announced the selection of 20 Training Institute Education Centers at 35 locations throughout the country. This almost doubles the number of centers (12) currently offering training courses on OSHA standards and occupational safety and health issues.

The training centers complement the OSHA Training Institute, the agency's training center in Arlington Heights, Illinois. The centers are responsible for training private sector personnel and federal personnel from agencies outside the OSHA family. They also assist in administering the OSHA Outreach Training Program—the agency's primary way to train workers in the basics of occupational safety and health. Through this program, individuals who complete a one-week OSHA trainer course are authorized to teach 10-hour or 30-hour courses in construction or general industry safety and health standards.

The centers were selected through a national competition. Evaluation criteria included occupational safety and health experience, non-academic training background, classroom and laboratory availability, and the ability to provide training throughout the region. OSHA provides no funding to the education centers; they sup-

port their OSHA training through a fee and tuition structure.

The centers located in Region IV, serving Tennessee, North Carolina, South Carolina, Kentucky, Alabama, Georgia, Mississippi, and Florida, are the following:

- Georgia Tech Research Institute, Atlanta, Georgia (a current OTI Education Center which was reselected)
- University of South Florida, Tampa, Florida (new center)
- Eastern Kentucky University, Richmond, Kentucky (new center)

ALL ABOUT TOSHA, PART 3

The responsibility of employers to their employees can be summed up in the words of TOSHA's General Duty Clause (TCA 50-3-105[1]): "Each employer shall furnish to each of his (or her) employees conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to his (or her) employees." The general duty clause is used only when there is no standard that applies to a particular hazard. It must involve both a serious hazard and an exposure to employees.

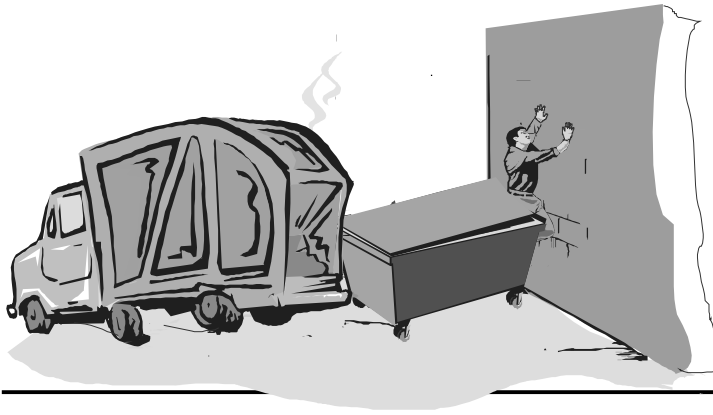
The following elements are necessary to prove a violation of the general duty clause:

1. *The employer failed to keep the workplace free of a hazard to which employees are exposed.* A hazard is a danger which threatens physical harm to employees. It is not the lack of a particular abatement method, nor a particular accident. The hazard must affect the employees of the cited employer.
2. *The hazard was recognized.* Recognition of a hazard can be established on the basis of industry recognition, employer recognition, or "common-sense" recognition.
3. *The hazard was causing or was likely to cause death or serious physical harm.* The most serious injury or illness that could reasonably be expected to result from the type of accident or health exposure must be considered..
4. *There was a feasible and useful method to correct the hazard.* If there is no available method to correct the hazard, the general duty clause cannot be used.

The general duty clause shall normally not be used to:

- Impose a stricter requirement than that required by the standard;
- Require an abatement method not set forth in a specific standard;
- Enforce "should standards";
- Cover categories of hazards exempted by a standard.

General duty clause citations are always serious and always carry a monetary penalty.



LEARN AND LIVE

From the Public Sector Files

A 49-year-old sanitation worker was killed while attempting to empty a dumpster. The victim and another city worker were standing beside the dumpster as the garbage truck was backed up to the dumpster. The victim was preparing to hook to the dumpster the steel cable used to empty it; the other employee was guiding the truck and as it touched the dumpster, he told the driver to stop the truck. The victim proceeded to walk behind the dumpster to hook the cable to the dumpster. At the same time, the driver set the parking brake, cut on the PTO to activate the winch, and let out the clutch, thinking the truck was in neutral. However, the truck was still in reverse and when the clutch was released, the truck jumped backward, pinning the victim between the dumpster and a concrete wall.

To prevent this accident from happening:

1. Provide two connectors, one on either side of the rear of the dumpster where the winch could attach, thus eliminating the need for an employee to get behind the dumpster.
2. Ensure that the audible back-up alarm is functioning on the truck
3. Ensure that employees working on or near heavy machinery have been properly and thoroughly trained on the hazards and proper work practice.